

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. No. 2:23-cr-20191-MSN
)	
EMMITT MARTIN, III)	

JOINT POSITION ON SENTENCING HEARING FOR EMMITT MARTIN

Emmitt Martin, III, and the United States of America, through counsel, jointly provide notice to this Court of their position that analysis of the proper cross-reference in calculating the advisory sentencing guidelines as to Mr. Martin obliges consideration of facts separate from his co-defendants. While other defendants have raised acquitted conduct as a basis for challenging the cross-reference to second-degree murder, Mr. Martin has relied upon his well-documented mental health issues, providing expert testimony. Mr. Martin is differently situated from his codefendants, and a separate consideration on the proper cross-reference under the advisory sentencing guidelines is necessary to promote the interests of justice and ensure the appropriate consideration of the distinct arguments raised. It is Mr. Martin's and the government's understanding, from the discussion before the Court on January 17, 2025, (Minute Entry, Doc. 749), that the cross-reference and other sentencing issues as to Mr. Martin are not part of the hearing on the acquitted conduct and cross-reference issues for co-defendants presently scheduled for February 20, 2025. (Setting Letter re Acquitted Conduct/ Cross-Referencing (Bifurcation), Doc. 750, PageID 15110).

Respectfully submitted this 19th day of February, 2025.

RITCHIE, JOHNSON & STOVALL, P.C.

/s/ Stephen Ross Johnson

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CERTIFICATE OF SERVICE

I certify that on February 19, 2025, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/Stephen Ross Johnson